



# **The Commonwealth of Massachusetts**

## **DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

### **NOTICE OF INVESTIGATION AND HEARING**

D.T.E. 05-95

March 22, 2006

Investigation by the Department of Telecommunications and Energy on its own motion, pursuant to G.L. c. 159, §§ 12, 32, and 39, and G.L. c. 166, §§ 11 and 12, regarding the failure by individually-named common carriers of telecommunications services to file annual returns for calendar years 2003 and 2004.

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The Department of Telecommunications and Energy ("Department") has opened investigations into the failure by 15 common carriers of telecommunications services to file annual returns for calendar years 2003 and 2004. The Department will hold public and evidentiary hearings in this matter on Thursday, April 27, 2006. Any named carrier that intends to present evidence at the hearing must notify the Department in writing by Thursday, April 20, 2006, and provide the following additional information:

1) State whether the company filed the annual return for relevant calendar year(s) as noted in the Appendix. If so, provide a copy of the annual return(s) and documentation of the filing(s). If not, explain why not, and state whether the failure to file is reasonable.

2) State whether the company provided telecommunications services within the Commonwealth during the relevant calendar year(s) as noted in the Appendix.

Should any named carrier fail to respond or produce the information sought in these proceedings, or otherwise default in its obligation to appear before the Department, the Department may make adverse findings of fact and order corrective action, including, but not limited to, a finding that the carrier neglected to file its annual return(s) and that the failure to file was unreasonable; assessment of forfeitures; and referral to the Attorney General for enforcement.

Any person who otherwise desires to file written comments or participate in these proceedings must file an original and two copies of such written comments or petition for leave to intervene with Mary Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, Boston MA 02110, not later than 5:00 p.m. on Thursday, April 20, 2006. Filings must indicate a specific docket number, as found in the Appendix. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by

the Department, not mailing, constitutes filing and determines whether a petition is timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

In addition to filing, please submit all written pleadings or comments to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dte.efiling@state.ma.us](mailto:dte.efiling@state.ma.us) and copy to [carol.pieper@state.ma.us](mailto:carol.pieper@state.ma.us); or (2) on a 3.5" disk, IBM-compatible format. Documents submitted in electronic format will be posted on the Department's website, <http://www.mass.gov/dte/>.

## APPENDIX

Telecommunications common carriers that failed to file annual returns  
for calendar years 2003 and 2004.

<u>Carrier</u>	<u>Relevant Calendar Year</u>	<u>Docket Number</u>
All-Star Acquisition Corporation	2003	05-95-1
Advent Communications, Inc. (formerly Ameritel Telephone Svcs.)	2004	05-95-2
Dark Air Corp.	2004	05-95-3
ECI Communications, Inc.	2004	05-95-4
Megan Corp.	2004	05-95-5
NeTel, Inc.	2004	05-95-6
Norstan Network Services, Inc.	2004	05-95-7
Tristate Bell of Mass, Inc.	2004	05-95-8
Worldnet Communications, Inc.	2004	05-95-9
Atlanta New York Warehouse Outlets, Inc.	2003/2004	05-95-10
Communicate Technological Systems	2003/2004	05-95-11
Communications Billing, Inc.	2003/2004	05-95-12
Ntegrity Telecontent Services, Inc.	2003/2004	05-95-13
Teleconex, Inc.	2003/2004	05-95-14
Vista Group International, Inc.	2003/2004	05-95-15